

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/27/2020

-----X
MARCO PACELLI ET AL,

Plaintiffs,

-v-

AUGUSTUS INTELLIGENCE, INC.,

Defendant.
-----X

20-cv-1011 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

California Labor Code § 925(a) covers an employee “who primarily resides and works in California.”

According to Plaintiffs, “at all times during [Ed Crump’s] employment he lived and worked primarily in California.” (Dkt. No. 8 at 20.) According to Defendant, “Plaintiff Crump worked primarily in New York.” (Dkt. No. 12 at 9.)

Ramsey Taylor, General Counsel for Defendant, has declared under penalty of perjury that, “[a]t most, [Crump] worked out of California 21% of the time he was employed by Defendant Augustus.” (Dkt. No. 13 at 2.) Ed Crump has declared, under penalty of perjury, that he “spent the majority of [his] time working from California.” (Dkt. No. 10.)

To resolve this factual question, counsel for both parties are hereby ORDERED to appear for an evidentiary hearing on Monday, March 16, 2020 at 10:00 a.m. No materials should be submitted in advance. At the hearing, Court will take evidence and hear argument only on this factual issue.

SO ORDERED.

Dated: February 27, 2020
New York, New York



LEWIS J. LIMAN
United States District Judge